

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

<p>EUGENE EDWARD TRACY,</p> <p>Plaintiff,</p> <p>vs.</p> <p>CYNTHIA BROWN, Case Manager/Coordinator; and JONI STOCK, Nurse,</p> <p>Respondent.</p>	<p>4:21-CV-04060-KES</p> <p>MEMORANDUM OPINION AND ORDER GRANTING DEFENDANTS' MOTION TO DISMISS THE COMPLAINT</p>
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Plaintiff, Eugene Edward Tracy, filed this lawsuit pursuant to 42 U.S.C. § 1983, naming YCWC, Darin Fluke, Cynthia Brown, and Joni Stock as defendants. Docket 1. The court screened the complaint under 28 U.S.C. § 1915A. Docket 7. The only claim that survived the screening was Tracy's Eighth Amendment conditions of confinement claim against Stock and Brown in their official capacities for injunctive relief. *Id.* at 9. Stock and Brown now move to dismiss that claim as moot. Docket 16.

Tracy's request for injunctive relief involves the alleged "poor cleanliness and management of YCWA." Docket 1 at 3. Tracy informed the court on November 1, 2021, that he completed his criminal sentence and moved to Waubay, South Dakota. Docket 18. The Eighth Circuit Court of Appeals has recognized that "an inmate's claims for declaratory and injunctive relief to improve prison conditions [are] moot when he [is] transferred to another facility

and [is] no longer subject to those conditions.” *Smith v. Hundley*, 190 F.3d 852, 855 (8th Cir. 1999). Because Tracy is no longer in the custody of the YCWC, he is no longer subject to those conditions and his claim is moot. Therefore, it is

ORDERED that defendant’s motion to dismiss (Docket 16) without prejudice is granted.

Dated December 7, 2021.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE